

**IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF PENNSYLVANIA**

**FEDERAL TRADE COMMISSION
and
COMMONWEALTH OF
PENNSYLVANIA**

Plaintiffs,

v.

**THOMAS JEFFERSON UNIVERSITY
and
ALBERT EINSTEIN HEALTHCARE
NETWORK**

Defendants

No. 2:20-cv-01113-GJP

**MOTION TO QUASH OR MODIFY JEFFERSON HEALTH SYSTEM'S
DOCUMENT SUBPOENA AND 30(B)(6) DEPOSITION SUBPOENA
TO NON-PARTY, INDEPENDENCE BLUE CROSS**

Independence Blue Cross, LLC (“Independence”) is the recipient of a third-party or non-party subpoena in this matter. The subpoena, served by defendant Thomas Jefferson University (“Jefferson”), contains 40 requests for the production of documents, many of which are overbroad, burdensome, harassing, irrelevant or unnecessary (the “Document Subpoena”). (A copy of the Document Subpoena is attached as Exhibit A.) Independence seeks to quash or modify the Document Subpoena, in light of the fact that Independence is not a party, many of the requests are not relevant to the merger review, and Independence has already expended significant effort and incurred considerable expense in complying with Plaintiffs’

Subpoena and Civil Investigative Demands. In the alternative, Independence seeks a protective order.

Simultaneously with this motion, Independence has served responses and objections to Jefferson's Subpoena. (A copy is attached as Exhibit B.) Jefferson's counsel agreed to several extensions of the time to object to the document requests, while counsel for Independence and Jefferson attempted to resolve Independence's concerns about the document requests. The last such extension expires on June 4, 2020.

In addition to the Document Subpoena, on May 26, 2020, Jefferson served a subpoena for the deposition of a corporate representative of Independence pursuant to Fed.R.Civ.P. 30(b)(6) (the "30(b)(6) Deposition Subpoena"). The 30(b)(6) Deposition Subpoena tracks the document requests in the Document Subpoena. To answer questions on all the topics listed in the 30(b)(6) Deposition Subpoena, Independence's representative(s) would have to gather and familiarize themselves with the documents requested in the Document Subpoena. The 30(b)(6) Deposition Subpoena is therefore subject to the same objections as the Document Subpoena. Accordingly, Independence asks the Court to quash or modify the 30(b)(6) Subpoena for the same reasons as the Document Subpoena. In the alternative, Independence seeks a protective order. (A copy of the 30(b)(6) Subpoena is attached as Exhibit C.)

For the reasons set forth in the accompanying memorandum of law, Independence respectfully requests that the Court grant Independence's motion to quash the Document Subpoena and the 30(b)(6) Deposition Subpoena.

Respectfully submitted,

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